

The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

S.B., M.B., J.M. Jr., and G.M., minors, by  
Bruce A. Wolf, their guardian ad litem,

Plaintiffs,

vs.

UNITED STATES OF AMERICA AND  
STATE OF WASHINGTON,

Defendants.

NO. 2:19-cv-00069-RSL

STATE OF WASHINGTON'S  
RESPONSE TO PLAINTIFFS'  
MOTION FOR RELIEF UNDER  
FRCP 17(c)(2)

COMES NOW the State of Washington, by and through the undersigned counsel, Zebular J. Madison, Assistant Attorney General, and herby files the following Response To Plaintiffs' Motion For Relief Under FRCP 17(c)(2).

**I. INTRODUCTION**

As the Court is well aware, King County Superior Court vacated the appointment of Bruce A. Wolf as a Limited Guardian Ad Litem (LGAL) for the minor Plaintiffs in this matter based upon lack of jurisdiction and failure to provide appropriate notice to the Muckleshoot Indian Tribe (Tribe). Because the Tribe has had exclusive jurisdiction over the minors in their dependency proceedings since 2013, King County Superior Court directed Mr. Wolf to seek an LGAL appointment through the Tribal Court. This motion pursuant to FRCP 17(c)(2) followed.

## II. FACTS AND AUTHORITY

In the current motion before the Court, Plaintiffs include language that appears to make passing reference to the State's culpability in this matter.<sup>1</sup> To the extent that Plaintiffs have made new averments against the State, or to the extent that the Court finds any significance in Plaintiffs' comment that records exchanged have "substantiated viable claims against the State," those allegations are denied.<sup>2</sup>

In regard to the State's position on the pending motion pursuant to FRCP 17(c)(2), the State incorporates by reference and adopts the Statement of Facts and Authority submitted by the United States in this matter.<sup>3</sup>

## III. CONCLUSION

The State requests that the Court issue an appropriate order clarifying the status of Plaintiffs' representation pursuant to FRCP 17(c)(2).

DATED this 2nd day of October, 2019.

ROBERT W. FERGUSON  
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<sup>1</sup> Dkt. No. 24, p. 2-3

<sup>2</sup> *Id.*

<sup>3</sup> Dkt. No. 26, p. 2-6.

**DECLARATION OF SERVICE**

I declare that on this 2nd day of October, 2019, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing on all parties or their counsel of record as follows:

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I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

ROBERT W. FERGUSON  
Attorney General

*s/ Sharon Jaramillo*  
SHARON JARAMILLO, Legal Assistant